

IN SUPPORT OF SENATE BILL 823*
IN SUPPORT OF SENATE BILL 704

**TESTIMONY OF ERIC BROWN
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AFSCME, COUNCIL 15**

**BEFORE THE LABOR AND PUBLIC EMPLOYEES COMMITTEE OF
THE CONNECTICUT GENERAL ASSEMBLY**

FEBRUARY 19, 2011

Ladies and Gentlemen of the Committee, my name is Eric Brown and I am staff counsel with AFSCME Council 15, a labor union representing the interests of almost 4000 police officers in 60 municipal communities throughout Connecticut.

I am here today to speak in support of the following bills before this Committee:

**SENATE BILL 823 - AN ACT CONCERNING SEVERE MENTAL OR
EMOTIONAL IMPAIRMENT AND WORKERS' COMPENSATION COVERAGE**

This bill would become effective October 1, 2013. We believe that it should be made effective December 13, 2012 in order to account for those individuals who responded to the tragedy at Sandy Hook Elementary School on December 14, 2012.

We speak in support of SB 823. Following the tragedy at Sandy Hook on December 14 last year, fifteen of our members witnessed the immediate aftermath of that massacre. And since the moments immediately after we became aware of the enormity of the tragedy, our focus as a union has been on making sure that our members do not suffer any financial loss as a result of heroically doing their jobs that day.

The facts are that our members, as the law stands now, face the possibility of financial ruin, job loss, and lack of medical care all because they were doing their jobs on 12/14.

As a community we cannot stand for that. We cannot tell our workers to do their jobs and then when it comes time, tell them that they are on their own for the real and permanent injuries that they suffer.

The time has come for us to recognize that PTSD is a real, serious, and sometimes tragic consequence that our workers face when they perform their jobs. When it occurs, they should be compensated the same way they would be if they had broken an arm or thrown out a disc in their back. The injury from PTSD is real. The compensation should be too.

**SENATE BILL 704 - AN ACT CONCERNING RETIREMENT DEFINITIONS OF
MUNICIPALITIES AND PARTICIPATING MUNICIPALITIES RELATING TO
THE MUNICIPAL EMPLOYEES' RETIREMENT FUND.**

We speak in support of SB 704, which is needed to clean up an administrative anomaly in the interpretation of the statute which has suddenly changed the way the Retirement Commission interprets when and how a disability under the MERS system should be approved. Until 2011, employees from a MERS municipality who retired due to a qualifying disability, would be allowed to find other work if they were disabled from performing the duties of the job they originally held. So a police officer who retired on a disability could not go work for another town as a police officer, or perform similarly strenuous work. But recently the pension board has determined that so long as a disabled individual could perform any job in the town, even if the job is not available, then he is not eligible for a disability. This interpretation essentially prohibits any individual from retiring under a disability and it is not what has been intended under the statute. The change in interpretation occurred without any policy change by this Legislature. It occurred as a result of fiat by counsel in the Retirement Services Division of the Office of the State Comptroller. The Attorney General, by opinion issued on November 2, 2012¹ has laid out the genesis of the change in interpretation, and has further recommended that the Commission revert to the pre-2011 interpretation. This Legislature, absent some clear change in public policy, should require that the Commission revert back to the pre-2011 interpretation as the Attorney General has suggested is proper.

¹ See the Opinion of the Attorney General dated November 2, 2012 to Peter R. Blum, Chairman, State Employees Retirement Commission.